

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Demario Ladale-Ray Holmes**
Docket No. **280200**
L.C. No. **00-019383-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The delayed application for leave to appeal filed on August 27, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the January 20, 2006 order as required by MCR 7.205(F)(3). Even assuming that the time period to file this application was tolled while the application for leave to appeal filed in docket number 275063 was pending, defendant would still violate the 12 month rule. Because defendant took 11 months to file the application in 275063, he would have had only 1 month after the May 11, 2007 order of dismissal to file this second application. Instead, defendant took over 3 months to file this second application.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 15 2007
Date

Sandra Schultz Mengel
Chief Clerk